

**State of Emergency Suspension of Children's Residential
Regulation Requirements Recommendations
May 8, 2020**

1. Documentation and Training Requirements

Children's Residential Facilities

- **22VAC40-151-240. Personnel Records.**
Allow leniency on the time requirement for annual performance evaluations. Allow leniency for reports of required health examinations and documentation of educational degrees and of professional certifications, as many facilities are closed. Staff can provide documentation when normal operations resume.
- **22VAC40-151-250. Staff Development.**
Allow leniency on the timeframe for the following initial and annual training requirements, extend the timeframe for 90 additional days.
- **22VAC40-151-650. Initial Objectives and Strategies.**
Allow leniency on the time requirement for the initial objectives and strategies to be completed following admission.
- **22VAC40-151-660. Service Plan/Quarterly Reports.**
Allow leniency for the time requirement for initial service plan and reviews to be completed.
- **22VAC40-151-680. Discharge.**
Allow leniency for the time requirement to complete the comprehensive discharge summary.
- **22VAC40-151-740. Medical Examinations and Treatment.**
Waive the requirement for provider's written policies and procedures that addresses communicable and contagious medical conditions to be approved by a medical professional.
- **22VAC40-151-1000. Independent Living Programs.**
Allow leniency for time requirement to complete a resident's assessment and training for staff.
- **22VAC40-151-1010. Mother/Baby Programs.**
Allow leniency for time requirement to complete service plan and quarterly reports for an adolescent mother and her child.

2. Medical and Dental Requirements

Children's Residential Facilities

- **22VAC40-151-190. Health Information and Reporting of Disease.**
Allow leniency on the time requirement for annual TB testing for staff and residents
- **22VAC40-151-730. Health Care Procedures.**
Allow leniency for dental and medical examinations timeframes.
- **22VAC40-151-740. Medical Examinations and Treatment.**
Allow leniency for dental and medical examinations timeframes.

3. Program Operation and Physical Plant Requirements

Children's Residential Facilities

- **22VAC40-151-360. Buildings, Inspections, and Building Plans.**
Allow leniency in the time requirement to have building inspected and approved by the local building official. Allow leniency in the annual inspections for compliance with the Virginia Statewide Fire Prevention Code and approvals by state or local health authorities for general sanitation, sewage disposal system, water supply, and food service operations.

4. Program Activity Requirements

Children's Residential Facilities

- **22VAC40-151-820. Prohibitions.**
Allow leniency for limiting visitation with resident's attorney, probation officer, and family or legal guardian due to the possible spread of COVID-19. Other types of contacts will not be prohibited.
- **22VAC40-151-880. Recreation.**
Allow leniency on requirements on the opportunities for individual and group activities and the use of available community recreational resources and facilities that the facility provides.
- **22VAC40-151-890. Community Relationships.**
Allow leniency on requirements for residents to participate in activities and to utilize resources in the community.
- **22VAC40-151-930. Visitation at the Facility and to the Resident's Home.**
Allow the provider to develop a temporary policy that may limit or restrict visitation for residents at the facility or at home based on COVID-19 exposure.

5. USDA and Menu Requirements

Children's Residential Facilities

- **22VAC40-151-760. Nutrition.**
Allow leniency for meals and snacks to meet the minimum nutritional requirements and the U.S. Dietary Guidelines.

6. Licensing Operations, Conducting Inspections

General Procedures and Information for Licensure

- **22VAC 40-80-120. Terms of the license.**
Allow leniency on the terms of the license including expiration dates (allowing additional time for renewals), maximum number of children to be in care and license modification requirements.
- **22VAC 40-80-100. Duration of licensure**
Consider allowing the terms of the license to be extended.
- **22VAC 40-80-190. Modification.**
Allow leniency for license modifications.
- **22VAC 40-80-210. Renewal process.**
Allow additional time for submitting renewal applications.

Attachment A

- **22VAC40-80-260 and 22VAC40-80-270. Problem Solving Conferences**
Allow only desk reviews with the assigned licensing representative's immediate supervisor. Extend the time for the supervisor to desk review findings to 30 days of receipt of request and materials. Extend license renewals by 90 days during the state of emergency.